IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

MACA.No. 1086 of 2006(D)

OPMV.2850/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM
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APPELLANT/PETITIONER:

T.M. GEORGE, AGED 40 YEARS,
S/O. SRI.MICHEAL, THOTTIYIL HOUSE,
NETHAJI NAGAR, VATTEKKUNNAM, EDAPPALLY.

BY ADV. SRI.ANIL S.RAJ
SMT.K.N.RAJANI
SMT.MANJUSHA MOHANDAS

RESPONDENTS/RESPONDENTS:
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1. LEELA KUNJUKUNJU, BALLYAPADATH HOUSE, THAIKKATTUKARA, ALWYE-6.

2. P.S. SUNIL BAVA, S/O. P.A. SALEEM, PERAPPARAMBU HOUSE, NEA K.M.K HOSPITAL, KADATHUKADAVU BHAGOM, ALWAY WEST VILLAGE.

3. THE UNITED INDIA INSURANCE COMPANY LTD., RAJAGIRI ROAD, KALAMASSERY.

R1 & R2 BY ADV. SRI.P.DEEPAK
R3 BY SRI.P.MURALEEDHARAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

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M.A.C.A. NO. 1086 OF 2006

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Dated this the 19th day of January, 2007.

J U D G M E N T

Krishnan,J.

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal, Ernakulam in O.P.(MV) 2850/98. The Tribunal awarded a total compensation of Rs.58,000/-. It is against that decision the present appeal is preferred. All the parties were served.

2. Heard the counsel. A perusal of the award would reveal that the claimant had sustained class VII fracture on the teeth and lacerated wounds on both ears, forehead, eyebrow and index finger. He had also sustained fracture of base of 2nd metacarpal bone on right hand. The learned counsel has made available the discharge summary issued by the Ernakulam Medical Centre. It would indicate that there was an open reduction done on the right knee joint and after surgery plaster cast was applied. Though the wound certificate shows only a lacerated wound, further records would reveal other injuries as well. One of his

teeth was extracted and another tooth get fractured. The Tribunal has considered the entire materials but has not taken serious note of the knee injury. It has awarded Rs.4,000/- towards loss of earnings for two months. But the treatment record would show that he was in the hospital during August, September also and therefore towards loss of earnings we award another Rs.2,000/-. He had also sustained fracture of the metacarpal bone besides the fracture of teeth. Certainly it would have caused him lot of inconveniences and difficulties. Since the Tribunal has not awarded any amount for permanent disability we feel this is a fit case where the amount for loss of amenities can be enhanced from Rs.8,000/- to Rs.10,000/-. Therefore, the claimant is entitled to an additional compensation of Rs.2,000/- under that head.

In the result, the M.A.C.A. is partly allowed and the claimant is awarded an additional compensation of Rs.4,000/- with 7% interest on the said sum from the date of petition till realisation and the Insurance Company is directed to deposit the same within a period of two months from the date of receipt of a copy of this judgment.

K.S. RADHAKRISHNAN, JUDGE.

M.N. KRISHNAN, JUDGE.

ul/-